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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

DANIELLE L. REPIC,

Case No.: 3:21-cv-855

Plaintiff,

v.

PRINCIPAL LIFE INSURANCE CO.

COMPLAINT

(Employee Retirement Income Security Act
of 1974, 29 U.S.C § 1132(a)(1)(B))

Defendant.

CAUSE OF ACTION

1.

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Plaintiff brings this action under the Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1001, *et seq* (“ERISA”). Plaintiff seeks to recover from Defendant all unpaid benefits pursuant to the Long-Term Disability (“LTD”) insurance policy provided by Principal Life Insurance Company (“Principal”) pursuant to 29 U.S.C. §1132(a)(1)(B). Additionally, Plaintiff seeks pre-judgement and post-judgement interest and her costs and reasonable attorney fees pursuant to 29 U.S.C. §1132(g), (f).

JURISDICTION AND VENUE

2.

This Court has subject matter jurisdiction over the claims asserted in this action for monetary and equitable relief under Federal Question Jurisdiction pursuant to 28 U.S.C. § 1331 and the Employee Retirement Income Security Act of 1974 (“ERISA”), 29 U.S.C. § 1132(e)(1) and § 1132(f).

3.

Venue is appropriate in the United States District Court for the District of Oregon pursuant to 29 U.S.C. § 1132(e)(2) and 28 U.S.C. § 1391.

PARTIES

4.

Plaintiff, Danielle Repic, is a citizen of the United States and an insured participant under the LTD insurance policy at issue in this lawsuit.

5.

Defendant, Principal, is the underwriter, insurer and administrator of the insurance policy at issue in this lawsuit. Further, Principal is, and was, doing business within the state of Oregon as an insurer.

CLAIMS FOR RELIEF

6.

Ms. Repic is disabled under the terms of the LTD insurance policy.

FACTS

7.

Ms. Repic is insured under a group LTD insurance policy underwritten, issued and administered by Principal.

8.

In February 2019, Ms. Repic stopped working as an Advancement Database Administrator for Linfield College due to sickness.

9.

Ms. Repic's symptoms include significant pain and limitations in her ability to handle and finger.

10.

Ms. Repic supplied Principal proof of loss and requested benefits under the terms of the LTD policy.

11.

On January 14, 2021, Principal denied Ms. Repic benefits under the policy.

12.

Ms. Repic has met and continues to meet the requirements of the insurance policy necessary to receive monthly income benefits under the LTD policy.

13.

Principal has failed to fully and fairly review Ms. Repic's claim for disability benefits.

14.

Ms. Repic has exhausted her pre-litigation appeals pursuant to ERISA.

15.

Ms. Repic's claim is subject to *de novo* review.

16.

At all relevant times, Principal has been operating under an inherent and structural conflict of interest because any monthly benefits paid to Ms. Repic are paid from Principal's own assets with each payment depleting those same assets.

17.

As a result of Principal's conduct, Ms. Repic has incurred attorney fees and costs, for which she is entitled to recover pursuant to 29 U.S.C. §1132(g).

WHEREFORE, Plaintiff prays for judgment in her favor and against Principal as follows:

- (1) For all unpaid monthly income under the LTD policy pursuant to 29 U.S.C. §1132(a)(1)(B)
- (2) For pre-judgement and post-judgement interest on all unpaid monthly income under the LTD policy
- (3) For her attorney fees and costs pursuant to 29 U.S.C. §1132(g); and

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(4) For such other relief as this court deems just and proper.

DATED this 4th day of June, 2021.

THOMAS, COON, NEWTON & FROST

/s/ Scott A. Sell
Scott A. Sell, OSB# 144297
503-228-5222
Of Attorneys for Plaintiff

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